

## **REMARKS**

This is a full and timely response to the non-final Office Action mailed January 23, 2006. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **Present Status of Patent Application**

Upon entry of the amendments in this response, claims 1-37 remain pending in the present application. More specifically, claims 1-28 are unamended original claims and claims 29 – 37 have been previously presented. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

#### **A. Claim Rejections under 35 U.S.C. §102(e)**

##### **Statement of the Rejection**

Claims 1, 3-5, and 26 have been rejected under 35 U.S.C. §102(e) as being anticipated by Kim [6,748,213 B1].

##### **Response to the Rejection**

A proper rejection under 35 U.S.C. §102(e) requires that a single prior art reference disclose each element of the claim. Furthermore, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. Applicants respectfully submit that claims 1, 3-5, and 26 are allowable and hereby request withdrawal of the rejection followed by allowance of Claims 1, 3-5, and 26. Responsive remarks related to individual claims are provided below.

##### **Claim 1**

In justifying the rejection of claim 1 under 35 U.S.C. §102(e), the Office Action asserts that Kim discloses: “a network for communicating a message [Kim, message notification, col 8 lines 1-14], the network comprising topographic network devices and communication links interconnecting *the topographic network devices* [Kim, the *LDSPC and mobile unit*, topographical map, col 3 line 1-col 4 line 28], the topographic network devices *each* having a physical location represented by a topographic coordinate set and *having a network address that includes the topographic coordinate set* [Kim, physical address information, longitude and latitude coordinates, col 3, line 1-col 4 line 28]...” (Emphasis added)

Applicants respectfully traverse the Office Action assertion because the statement above is inaccurate. Reasons for the traversal will be provided below using the aspects emphasized above in the Office Action statement.

Kim's invention relates to a "Method for automatically creating Home Zone List in a mobile telecommunication system," and is described in pertinent part in Kim col. 2, lines 15-24, as follows:

In another aspect of the present invention, a system for defining a home zone for a subscriber within a wireless communication network comprises a means for forwarding an address location entered by the subscriber; a means for converting the address location into corresponding latitude and longitude coordinates; a means for determining a new sector list defining the home zone upon receiving the address location from the subscriber; and a means for storing the new sector list for the subscriber.  
(Emphasis added)

Although Kim discloses a communication system containing various elements (LDSPC and mobile unit) referred to in the Office Action and also incorporates latitude and longitude coordinates, Applicants respectfully assert that Kim's disclosure bears no direct relevance to Applicants' claim 1.

Towards this end, attention is drawn to Kim's col. 3, lines 14-25, which is reproduced below for easy reference:

In generating the home zone assignment for the user who has subscribed to the home zone service, the method according to the present invention involves the user informing the CCC 4 of the physical address where he/she desires service (i.e., street address). The home zone is centered on the home address information provided by the subscriber. For example, the subscriber may enter the personal home street address or office address to benefit the home zone service. The operator at the CCC 4 then enters this information and forwards it to a Geographic Location element (GeoLoc) 6, where the address is stored in the database as the latitude and longitude coordinates for that particular home address location.  
(Emphasis added)

In contrast, Applicant's claim 1 includes in pertinent part: "topographic network devices each having a physical location represented by a topographic coordinate set and having a network address that includes the topographic coordinate set."

Consequently, Applicants respectfully assert that though Kim uses latitude and longitude coordinates *to identify a home located in a home zone*, Kim does not disclose that these latitude and longitude coordinates are *used as a network address* for communicating a message between network elements. Specifically, the Office Action fails to disclose where in Kim can be found a network address associated with each of Kim's alleged network devices – for example, the LDSPC and the mobile unit referred to in the Office Action.

On the other hand, Applicants' communication network (as incorporated into claim 1) has been clearly illustrated in Applicant's FIG. 1 with exemplary devices each having a network address that includes the topographic coordinate set. FIG. 1 has been described in Applicant's

specification, specifically in paragraphs [0019] and [0020], pertinent parts of which are reproduced below for easy reference:

The topographic network devices include routers and end-user devices. In the highly simplified example shown, the network 100 is composed of the routers 101-108 and the end-user devices 112-114 and 128 interconnected by several communication links as shown. In particular the routers 101 and 102 are connected by the communication link 111, and the end-user devices 112-114 are connected to the router 101 by the communication links 115-117, respectively. Network devices located at opposite ends of a communication link will be said to be directly connected. For example, the routers 101 and 102 are directly connected by the communication link 111, and the end-user device 112 and the router 101 are directly connected by the communication link 115. The end-user device 112 is not directly connected to the router 102. Most, if not all, of the end-user devices that would normally be connected to the routers 101-108 have been omitted to simplify the drawing further.

Each topographic network device of the network 100 has a network address that includes the topographic coordinate set of the topographic network device.  
(Emphasis added)

For at least the reasons mentioned above, Applicants respectfully assert that the cited prior art of Kim does not anticipate every element of Applicants' claim 1. Because a proper rejection under 35 U.S.C. §102(e) requires that a single prior art reference disclose each element of the claim, Applicants respectfully assert that the rejection of claim 1 is improper. Consequently, Applicants request withdrawal of the rejection of claim 1 followed by allowance of claim 1.

#### **Claims 3-5**

Because Claim 1 is allowable, Claims 3-5 that each depend directly on claim 1 are also allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Applicants respectfully request withdrawal of the rejection, followed by allowance of claims 3-5.

#### **Claim 26**

The Office Action asserts that: "*As per claim 26 contains the similar limitations set for in claim 1. Therefore claim 26 is rejected for the same rationale as set forth claim 1.*"

Applicants respectfully traverse this assertion. Claim 1 is related to "a network for communication a message" and discloses various elements of this network. On the other hand, Claim 26 is related to "a computer-readable medium in which is fixed a computer program that instructs a computer..." and discloses various steps of a "message addressing method." Each of these steps is distinctly defined and bears no direct correspondence to the various elements of Claim 1.

For example, Claim 26 includes: “determining whether a valid topographic reply-to-field exists in the original message...” and “copying the topographic coordinate set from the topographic reply-to-field of the original message...” while claim 1 includes “topographic network devices and communication links...” It is unfortunate that the Office Action fails to identify how “*Claim 26 contains the similar limitations set for in claim 1.*”

Applicants respectfully assert that the cited prior art of Kim does not disclose each of the elements of Applicants’ claim 26. As one among several examples, Kim does not disclose “copying the topographic coordinate set from the topographic reply-to field of the original message to the destination coordinate set field of the reply message.”

Consequently, Applicants respectfully assert that claim 26 is allowable and request withdrawal of the rejection followed by allowance of claim 26.

**B. Rejections under 35 U.S.C. §103(a)**

**Statement of the rejection**

The Office Action states that “Claims 6-25, 27, 28-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim [2002/0075862 A1] in view of Lopke [6,553,310 B1].”

**Response to the rejection**

Applicants presume that the cited prior art of Kim [US 6,748,213 B1] has been erroneously identified as Kim [2002/0075862 A1] in the Office Action rejection.

Attention is respectfully drawn to MPEP 706.2(j) *Contents of a 35 U.S.C. 103 Rejection*, which states in pertinent part:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria. (Emphasis added)

Responsive remarks related to individual claims are provided below using the criteria described in MPEP 706.2(j).

### **Claims 6-14**

Applicants respectfully request withdrawal of the rejection of claims 6-14 for at least the reason that the rejection does not satisfy the requirements of MPEP § 2143.03, which states in pertinent part: “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).”

Specifically, claims 6-14 are nonobvious as each of them depends directly or indirectly on independent claim 1 that has not been rejected under 35 U.S.C. 103(a). Hence, Applicants respectfully assert that claims 6-14 cannot be properly rejected under 35 U.S.C. 103(a), and hereby request withdrawal of the rejection followed by allowance of claims 6-14.

### **Claim 15**

The Office Action has rejected Applicants’ claim 15 under 35 U.S.C. 103(a) by citing the prior art combination of Kim and Lopke. Unfortunately, the Office Action cites only Lopke as anticipating each and every element of Applicants’ claim 15 and fails to provide any relevant prior art information pertaining to Kim. Consequently, Applicants are unable to provide a detailed rebuttal to the rejection using valid arguments pertaining to 35 U.S.C. 103(a).

However, in the interests of moving forward prosecution, Applicants hereby respectfully assert that the rejection is improper because it at least fails to satisfy the third of the three necessary criteria of MPEP 706.2(j). The third criterion states that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” This assertion is justified below in further detail.

In substantiating the rejection of claim 15, the Office Action asserts that (Lopke router, col .6 lines 20-36) discloses “channels each configured for connection via a communication link to another of the topographic network devices, the channels including a first channel via which the message is received” (Emphasis added). However, Applicants have to be unable to find in Lopke, any material pertaining to “a first channel” or “a message,” especially a message as defined in Applicants’ Claim 15: “a topographic processor that operates in response to the connected device *coordinate sets stored in the coordinate store and the destination coordinate set of the message* to identify a second channel to which to forward the message, the second channel being another of the channels.” Consequently, Applicants respectfully assert that the rejection fails to satisfy the third of the three MPEP criteria.

For at least the reasons described above, Applicants respectfully assert that the rejection of claim 15 under 35 U.S.C. 103(a) is improper and hereby request withdrawal of the rejection followed by allowance of claim 15.

**Claims 16-25**

Because claim 15 is allowable, Claims 16-25 that each depend directly or indirectly on claim 15 are also allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Applicants respectfully request withdrawal of the rejection, followed by allowance of claims 16-25.

**Claims 27-29**

Applicants respectfully request withdrawal of the rejection of claims 27-29 for at least the reason that the rejection does not satisfy the requirements of MPEP § 2143.03, which states in pertinent part: “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).”

Specifically, claims 27 and 28 are nonobvious as each of them depends directly or indirectly on independent claim 26 that has not been rejected under 35 U.S.C. 103(a). Hence, Applicants respectfully assert that claims 27 and 28 cannot be properly rejected under 35 U.S.C. 103(a), and hereby request withdrawal of the rejection followed by allowance of claims 27 and 28.

Similarly, claim 29 is nonobvious as it depends directly on independent claim 1 that has not been rejected under 35 U.S.C. 103(a). Hence, Applicants respectfully assert that claim 29 cannot be properly rejected under 35 U.S.C. 103(a), and hereby request withdrawal of the rejection followed by allowance of claim 29.

**Claim 30**

The first of the three basic criteria that must be met to establish a *prima facie* case of obviousness relates to some suggestion or motivation being present to modify the reference or to combine reference teachings. It is unfortunate that the Office Action fails to disclose where in the cited prior art references or in the knowledge generally available to one of ordinary skill in the art, can be found a suggestion or motivation to modify the cited references or to combine reference teachings resulting in a communication network as defined by Applicants’ claim 30. Consequently, Applicants respectfully assert that the rejection fails to satisfy the first of the MPEP criteria for establishing a *prima facie* case of obviousness.

Applicants further assert that the rejection fails to satisfy the third of the three criteria, vis-à-vis “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” This assertion is justified below in further detail.

The Office Action states that “Kim-Lopke disclose a destination network device (i.e.: PDA, mobile unit) that includes a first topographic set...and a source network device (i.e.: a center, server) configured to generate a message comprising a packet having a header; the header containing the destination address of the destination network device.”

The Office Action statement above is appropriate when confined to interpreting Kim and Lopke. However, when expanded to interpret Applicants’ claim 30, the Office action statement is no longer appropriate. For example, the first topographic set referred to above with reference to Kim-Lopke is used to locate a PDA rather than as an address of a network device, which is the aspect covered in Applicants’ claim 30.

Furthermore, though a prior art device such as Kim-Lopke does indeed use a *header* containing a destination address, the destination address of the prior art header does not include a topographic coordinate set as erroneously implied in the Office Action statement above. This implication is further propagated by the Office Action statement: “Kim-Lopke *implicitly* disclose the message between a source and a destination including the address in *header* [Lopke, col 3 lines 1-65, Fig 1]” (Emphasis added) thereby implying that Applicants’ address, which includes a topographic coordinate set, may be carried in a prior art *header*.

Applicants respectfully assert that the Office Action statement above is inaccurate because persons of ordinary skill in the art will recognize that there is a distinct difference between carrying information (for example, a topographic coordinate set) inside the *payload* of a message versus carrying a topographic coordinate set in the *header* of a message.

In this connection, Applicants have clearly described the header in their specification, for example, in paragraph [0030], which is reproduced below for easy reference:

The message is composed of one or more data sets known in the art by such names as packets, frames, cells and protocol data units. In this disclosure, the term *packet* will be used to describe such data sets. Each packet includes a header that includes additional data relating to the packet. The additional data include a destination address that will be called a destination coordinate set. In the network 100, the *destination coordinate set* is composed of the topographic coordinate set of the destination network device.

Lopke col. 3, lines 54-56 states: “According to a feature of the invention, location information is encoded using a CGI to transmit the location information from the client to the server.” Applicants respectfully assert that such a prior art common gateway interface (CGI) would carry the location information in a payload and not in the header of a message as

described in Applicants' claim 30. Consequently, Applicants reassert that the Office Action statement ("Kim-Lopke *implicitly* disclose the message between a source and a destination including the address in header [Lopke, col 3 lines 1-65, Fig 1]") is inaccurate and the rejection fails to satisfy the third of the three MPEP criteria.

For at least the reasons described above, Applicants respectfully assert that the rejection of claim 30 under 35 U.S.C. 103(a) is improper and hereby request withdrawal of the rejection followed by allowance of claim 30.

**Claims 31-37**

Because claim 30 is allowable, claims 31-37 that each depend directly or indirectly on claim 30 are also allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Applicants respectfully request withdrawal of the rejection, followed by allowance of claims 31-37.

**Prior Art Made of Record**

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.



### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that claims 1-37 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned representative at (404) 610-5689.

Respectfully submitted,

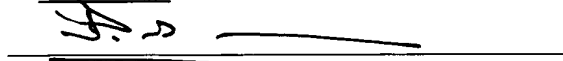


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